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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,869	04/14/2004	Ty O. Ahmad-Taylor	007412.00116	6180
71867 7590 12/21/2010 BANNER & WITCOFF, LTD ATTORNEYS FOR CLIENT NUMBER 007412 1100 13th STREET, N.W. SUITE 1200 WASHINGTON, DC 20005-4051				
EXAMINER				
TILAHUN, ALAZAR				
ART UNIT		PAPER NUMBER		
2424				
MAIL DATE		DELIVERY MODE		
12/21/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action
Before the Filing of an Appeal Brief

Application No.

10/823,869

Applicant(s)

AHMAD-TAYLOR, TY O.

Examiner

ALAZAR TILAHUN

Art Unit

2424

—The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

THE REPLY FILED 29 November 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1,3,5-16,39-47 and 51-54.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Christopher Kelley/
Supervisory Patent Examiner, Art Unit 2424

Continuation of 11, does NOT place the application in condition for allowance because: Claims 1, 42 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roth et al. (US 2003/0167471 A1, hereinafter referred to as "Roth"), in view of Billmaier et al. (US 2003/0106054 A1, hereinafter referred to as "Billmaier").

Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roth et al. (US 2003/0167471 A1, hereinafter referred to as "Roth"), in view of Billmaier et al. (US 2003/0106054 A1, hereinafter referred to as "Billmaier"), further in view of Ellis (US 7493643 B2)

claim 1 recites : " displaying additional windows in the substantially small portion of the display screen that include textual and graphical indicia of additional episodic series related to the episodic series displayed in the first window such that the streamed on-demand episode is still visible, wherein the additional episodic series include favorite series"

On page 7 of Applicant Argument/Remark, the Applicant argues none of the references of record disclose or suggest at least this feature of independent claim 1. specifically, Applicant argues Billmaier fails to teach "...wherein the additional episodic series include favorite series." The examiner respectfully disagrees.

The Applicant asserts, "information targeted to the user based on user profile information" may be displayed. (See; Billmaier, paragraph 75.) However, the display of information based on user profile information is not equivalent to the display of favorite series, as claimed. Instead, the user profile may include information completely unrelated to a favorite series; for instance, the user profile may include information related to a person's sex, age, marital status, etc. Therefore, basing the display of information on a user profile is not the same as displaying favorite series, as claimed.

The Examiner understand your point that the user profile may include information related to a person's sex, age, marital status, etc. However, another interpretation of user profile information can also be user preference information. Therefore, displaying information (i.e. graphical cards representing episodic series of television program) targeted to the user based on user profile information as discussed in Billmaier could be interpreted as displaying episodic series of television program based on user preference. (i.e. favorite series).

For this reason discussed above claim 1 remains rejected.

Regarding claims 42,46 and 51, see Examiners remarks made to claim 1.

Regarding claims 3, 5-16, 39-47 and 51-54, claims 3, 5-16, 39-47 and 51-54 remain rejected because they are depending on rejected claims.